

CODE OF WAYMART BOROUGH

CURFEW – CHAPTER 12

CHAPTER 12.

Curfew

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[HISTORY: Adopted by the Borough Council of Waymart Borough as Ordinance No. 2003-3. This Chapter is intended to regulate the conduct of minors on streets at night, replacing a similar ordinance adopted on June 2, 1998.]

§ 12-01. Definitions.

As used in this Chapter, the following terms shall have the meanings indicated, unless a different meaning clearly appears from the context:

**Minor**—Person under the age of 18 years.

**Parent**—Any natural parent of a minor, as herein defined, or a guardian, or any adult person responsible for the care and custody of a minor. When used in this Chapter, "parent" shall mean one or both parents.

**Public Place**—Any public street, alley, sidewalk, park, playground, public building or vacant lot in the Borough.

**Remain**—To stay behind, to tarry and to stay unnecessarily upon the streets, including the congregating of groups (or of interacting minors) totaling four or more persons in which any minor involved would not be using the streets, for emergencies or ordinary purposes such as mere passage of going home.

The singular shall include the plural, the plural shall include the singular; and the masculine shall include the feminine and the neuter.

§ 12-02. Purpose.

This Chapter is intended to prescribe, in accordance with prevailing community standards, regulations for the conduct of minors on streets at night, for the protection of younger children in the Borough from each other and from other persons on the streets during nighttime hours, for the enforcement of parental control and responsibility for their children, for the protection of the public from nocturnal mischief by minors and for the reduction of the incident of juvenile criminal activity, all for the good of minors, for the furtherance of family responsibility, and for the public good, safety and welfare.

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**§ 12-03. Curfew and Exceptions.**

It shall be unlawful for any minor to be or remain in or upon any public highway, park or other public place within the Borough, or in any enclosure or vehicle which is on or in close proximity to any such public place within the Borough, between the hours of 9 P.M. and 5 A.M. on the following day. Exceptions to the above are the following:

- A. Minor accompanied by parent, guardian, or other person having legal care or custody of such minor.
- B. Minor possessing a written statement dated that day and signed by parent, guardian, or other person having the legal care or custody of such minor, which statement specifies the time, place, purpose and necessity of the minor being in a public place contrary to this Chapter.
- C. Minor lawfully employed making it necessary to be on or in highways, streets, parks, etc., as stated above and possessing a current letter certifying the same and signed by employer, parent or guardian.
- D. Minor on an emergency errand.
- E. Minor traveling to and from church, school or municipal activity with parental permission statement as in subsection (B) above.

**§ 12-04. Parent Responsibility.**

It is hereby made unlawful for any parent, guardian or the person having the legal care or custody of a minor to allow or permit such minor to violate any of the provisions of this Chapter without legal justification therefor.

**§ 12-05. Violations.**

Any minor found upon the streets, alleys, parks or public places within the Borough in violation of this Chapter shall be taken into custody by the Borough police or legally deputized individual, be delivered to his parent(s), guardian, or person having the legal custody of said minor, and be given a copy of this Chapter. A report shall be filed and kept in a book for that specific purpose. If said parent, guardian or person having the legal custody of said minor shall again allow him to be on the streets, alleys, parks or public places in violation of this Chapter, said parent, guardian, or person having the legal custody of said minor so offending shall, upon the second offense, be called along with offender and be so advised once again as to the penalty provisions contained in this Chapter. Upon the third violation, said parent, guardian or person will be cited for the violation.

**§ 12-06. Repeated Violations.**

Any minor who shall violate this Chapter more than three times may, at the discretion of the proper Borough officials, be reported to a society or organization the purpose of which is to take charge of incorrigibles and delinquents, and proceedings shall then be taken in the proper court for the permanent welfare of such minor and a like procedure may be taken in cases where the arrest of the

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parent is not effective, or where for any other reason the enforcement provisions of this Chapter cannot be made effective by the imposition of fines and penalties.

**§ 12-07. Age Determination.**

The police officers of the Borough in taking minors into custody shall use their discretion in determining age and in doubtful cases may require positive proof of age. Until such proof is furnished, the officer's judgment shall prevail.

**§ 12-08. Penalties.**

Any person who shall violate any provision of this Chapter shall, upon conviction thereof, be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to imprisonment for a term not to exceed 30 days.